

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILD FISH CONSERVANCY,

Plaintiff,

v.

BARRY THOM, et al.,

Defendants,

and

ALASKA TROLLERS ASSOCIATION,

Defendant-Intervenor.

Case No. C20-417-RAJ-MLP

ORDER

This matter is before the Court on Plaintiff's Motion to Expedite. (Dkt. # 57.) Plaintiff moves for expedited review of this case, pursuant to 16 U.S.C. § 1855(f)(4), to the extent the Court determines that the Magnuson-Stevens Act Fishery and Conservation Management Act's ("Magnuson-Stevens Act") judicial review provision applies to these proceedings. (*Id.* at 1.) Defendants' respond that they take no position on the timing of the Court's adjudication of this case, but that they disagree with Plaintiff's characterization of how the Magnuson-Stevens Act applies in this case. (Dkt. # 61 at 2-3.)

The judicial review provision of the Magnuson-Stevens Act provides that: "Upon a

1 motion by the person who files a petition under this subsection, the appropriate court shall assign
2 the matter for hearing at the earliest possible date and shall expedite the matter in every possible
3 way.” 16 U.S.C. § 1855(f)(4). However, any ruling by this Court regarding 16 U.S.C.
4 § 1855(f)(4) would be premature prior to the Honorable Richard A. Jones’ ruling on this Court’s
5 previously filed Report and Recommendation (dkt. # 51), which found that the judicial review
6 provision of the Magnuson-Stevens Act was applicable in this action. (*See id.* at 15-16, 18.)

7 Accordingly, the Court STRIKES Plaintiff’s Motion to Expedite without prejudice.
8 Plaintiff is instructed to refile this motion once Judge Jones has ruled on the Court’s previously
9 submitted Report and Recommendation. The motion shall be noted as a second Friday motion
10 pursuant to LCR 7. The Clerk is directed to send copies of this Order to the parties and to Judge
11 Jones.

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13 Dated this 10th day of November, 2020.

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15 MICHELLE L. PETERSON
16 United States Magistrate Judge
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